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REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS TRANSITIONAL ADMINISTRATION FOR EASTERN SLAVONIA, BARANJA AND WESTERN SIRMIUM

I. INTRODUCTION

1. In its resolutions 1120 (1997) of 14 July 1997 and 1145 (1997) of 19 December 1997, the Security Council requested the Secretary-General to keep it informed of the situation in the region of Eastern Slavonia, Baranja and Western Sirmium (hereafter referred to as "the region"). The present report covers the period from my last report dated 4 December 1997 (S/1997/953) to the conclusion of the mandate of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) on 15 January 1998.

II. PROGRESS ON REINTEGRATION

2. In its resolution 1145 (1997), the Security Council, inter alia, noted with approval the improved performance of the Government of Croatia towards fulfilling its obligations and encouraged continued progress in that regard. During the reporting period, the efforts of the Government of Croatia to meet its obligations have indicated that the political will to complete the peaceful reintegration of the region is being sustained.

National reconciliation

3. The comprehensive programme of national reconciliation adopted on 9 October 1997 has continued to be conducted with energy and commitment. The benefits of the programme have become increasingly evident and, in particular, the national media have displayed a more constructive and conciliatory line in covering issues related to the Serb minority. Equally encouraging have been the messages of tolerance and reconciliation issued by political and religious leaders.

4. Progress at the national level, however, has yet to be matched at the local level, where reconciliation committees have focused mostly on technical issues related to returns, while ignoring the broader task of reconciliation. Strong central Government support and engagement in reconciliation continues to be required.

Establishment of local government administration

5. Since early December, considerable efforts have continued to establish fully functioning municipalities. Funding for municipalities is increasingly available and local officials are showing a greater willingness to engage in their tasks and to reside in the region. There is, however, an urgent need for further progress. The boundaries of the municipalities created before the April elections, as a precondition to holding the elections, have still not been legally recognized, leading to uncertainty over their status after the departure of UNTAES. These difficulties can be solved quickly by Government action.

Establishment of political institutions

6. Participation in Croatian political life by the region's ethnic Serb citizens has shown encouraging signs of increasing. Of particular significance was the convening of the first conference of the Independent Serb Democratic Party (SDSS) since its formation. Senior representatives of the Government of Croatia and the ruling Croatian Democratic Union (HDZ) party also participated in the conference. During December, mutually acceptable arrangements were made to ensure that there will be a continued media voice for the Serb community within the region. In addition, representatives of the Joint Council of Municipalities had their first meeting with President Tudjman as provided by the letter dated 13 January 1997 from the Government of Croatia (S/1997/27, annex). Equally encouraging have been the efforts of Serb members of the Parliament to play a more active and visible role in national politics, and the four Serb Assistant Ministers and two Senior Advisers are being regarded as increasingly effective.

7. Continued goodwill and patience will be needed from the Government of Croatia to ensure full participation by the Serb minority in the political life of the country. In this regard, it is important that the Joint Council of Municipalities receive its promised Government funding as soon as possible. Serb leaders must continue to work with energy and commitment to represent their constituency.

Integration of public services and enterprises

8. Almost all public services and enterprises have now been reintegrated. Outstanding cases involve only minor public services and these are close to completion. Of most recent significance was the agreement on the reintegration of health services signed between UNTAES and the Government of Croatia on 3 December 1997. The agreement provides for full financing of health facilities and equal access to health care for all residents of the region, together with the arrangement to nostrify medical diplomas for 300 health care specialists by 10 January 1998.

9. While there has been some improvement in the education sector, problems continue with nostrification of education diplomas for 43 teachers, school registration, final examinations, course content and textbooks. The Ministry of Education has undertaken to standardize examinations and to provide samples to students by 1 February 1998. Progress has also been made on the recall of text

books which breach the moratorium on teaching the history of the conflict, and bilingual school signs have been issued.

10. The ability to enjoy educational and cultural autonomy, as guaranteed by Croatian law and the letter dated 13 January 1997 from the Government of Croatia (S/1997/27, annex), will be a primary determinant of the willingness of Serb citizens to stay and a measure of Croatia's commitments to international standards of minority rights.

11. Some progress in increased availability of social welfare in the region has been made. According to Government figures, 11,437 pensions are being paid in the region (of this figure, about 12 per cent are invalid pensions) and 143 individuals have received unemployment benefits since 5 December 1997. Two social welfare centres and two unemployment centres are operating.

Economic reintegration

12. The extension to the region of the Government's programme for privatization of public and State-owned enterprises has caused concern among residents. The Government of Croatia has provided assurances that priority will be given to social stability rather than to economic considerations in this process. In addition, the Prime Minister has assured UNTAES that workers of formerly socially owned enterprises would not be terminated until a structural review of individual enterprises had been undertaken. These assurances have reduced anxiety that privatization will be carried out in a discriminatory fashion. There have, however, been some cases of concern: in one case, workers were threatened with dismissal backdated to December 1991.

13. Problems also continue with the recognition of the period 1991 to 1997 for pension purposes and with complete implementation of the Convalidation Law.

Return of displaced persons and refugees

14. While some progress has been made in facilitating the return of displaced persons to their homes, the process has been increasingly limited by continued legal and financial obstacles to the return of occupied property to its legal owners, delays in providing Government funding for the reconstruction of houses owned by Serb citizens and uncertain economic and social conditions in areas of potential return. Despite repeated calls by the Security Council, no progress has been achieved in establishing concrete mechanisms for returns to occupied property, or in resolving the issue of lost tenancy rights for Serb citizens. In the longer term, this failure may bring the return process to a halt.

15. The situation of Serb displaced persons in the region remains precarious. While the number of departures from the region has been significantly lower than anticipated, so far, most of those leaving the region are displaced persons with outstanding property claims which were not addressed by the Government. In many instances, liens have been placed by courts against properties elsewhere in Croatia owned by Serb displaced persons who are currently residing in Croat houses in the region, thus making it impossible to sell these properties while cases are pending. Over 500 such cases have been lodged in the Beli Manastir

Municipal Court alone. Liens also discourage Serbs from returning to their homes elsewhere in Croatia, thus slowing the two-way return process.

Human rights

16. The number of reported cases of harassment of ethnic Serbs has continued to cause concern. Despite assurances provided by Government officials to UNTAES that Serb displaced persons will be able to stay in the houses they are now occupying, many Serb displaced persons in the region have been harassed by Croat house owners telling them that they must vacate the houses by 15 January 1998. Hate mail, telephone harassment and personal intimidation of Serbs by Croats has increased following the easing of access to the region. Cases of obstruction in issuing citizenship, pension and birth registration documents have been reported, mainly at the local level.

17. Equally disturbing has been the number of reports involving allegations of misbehaviour and unprofessional conduct by some police officers. In certain instances, Croatian police officers are reported to have participated in assaults on residents of the region and other forms of intimidation. However, the cooperation between UNTAES and the Ministry of the Interior has been close and senior Croatian officials have taken appropriate measures to investigate reported incidents and to discipline those found guilty in accordance with Croatian law.

Amnesty Law

18. Uncertainty about the implementation of the Amnesty Law has continued to cause anxiety among local residents. To allay these concerns, the Minister of Justice publicly restated that there are no "secret war criminal lists". Notwithstanding, the Government has yet to conclude investigations of alleged war crimes with the participation of the local Serbs and the United Nations.

Maintenance of public safety and security

19. The security situation in the region has remained stable. The multi-ethnic Transitional Police Force continued to operate and comprises 815 Croat officers, 811 Serb officers and 52 officers from other ethnic groups. A six-week basic police training course was conducted for 95 ethnic Serb officers with United Nations Civilian Police assistance.

20. On 15 December, UNTAES transferred responsibility for the management and operational control of the Transitional Police Force to the Ministry of Interior. UNTAES, nevertheless, retained its authority to intervene and overrule until the end of its mandate. There were no major incidents at the time of transfer.

21. Further efforts are required, however, to make the Transitional Police Force a truly professional force and one which enjoys the confidence of both Serbs and Croats. Some officers of the Transitional Police Force are reluctant to investigate cases with ethnic overtones. Ethnic Serb officers remain apprehensive over their personal future and work prospects. The level of training and professionalism of many officers continues to need improvement:

nearly all ethnic Serb police officers require additional basic training and ethnic Croat officers show a need for greater inter-ethnic understanding and human rights and community police training.

22. The administrative control of the sole prison in the region has been transferred to the Government of Croatia. All prison guards who chose to continue working at the prison were offered permanent work contracts by the Croatian Ministry of Justice.

III. BILATERAL ISSUES

23. The "soft border" agreement between the Republic of Croatia and the Federal Republic of Yugoslavia was implemented in the region on 14 December 1997. Also, the Embassy of the Federal Republic of Yugoslavia in Zagreb has made arrangements to provide multiple entry visas at no charge to the residents of the region.

24. The local Serb leadership continues to attach great importance to the possibility of obtaining dual Federal Republic of Yugoslavia/Republic of Croatia citizenship for Serbs in the region. However, no progress has been achieved on the matter, which is acknowledged to be mainly a domestic issue for the Federal Republic of Yugoslavia.

25. Neither the Federal Republic of Yugoslavia nor the Republic of Croatia has made any steps yet to formally declare their intentions not to move present garrisons closer to the border, or to conduct military manoeuvres in the border area. The Transitional Administrator was informed, however, by the Foreign Minister of the Federal Republic of Yugoslavia of its intention to propose to the Government of Croatia that consultations be initiated on the matter.

IV. UNITED NATIONS CIVILIAN POLICE

26. The United Nations Civilian Police component remained within its authorized strength until 15 January 1998 and continued to monitor all operations of the Transitional Police Force. The United Nations Civilian Police component began its drawdown on 16 January and will reach the ceiling for the Civilian Police Support Group of 180 officers, authorized by the Security Council in resolution 1145 (1997), by 31 January 1998.

V. MILITARY DRAWDOWN

27. A military liquidation force, with the tasks of securing drawdown operations and guarding the remaining UNTAES assets and personnel, has been operational since 15 October 1997 and, as of 15 January, is being progressively phased out. There have been no security problems associated with this drawdown. In order to provide security to United Nations assets, I plan to retain a United Nations guard element of 60 military personnel until 1 March 1998 and, from 1 March 1998 until the completion of liquidation, planned to be not later than 31 May 1998, 30 military personnel will be required. The security of both

military and civilian personnel remaining in the Danube region will be provided by the Government of Croatia.

VI. COOPERATION WITH THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE

28. UNTAES cooperated closely with the Organization for Security and Cooperation in Europe (OSCE) as it established its operations in the region. A number of OSCE personnel worked with UNTAES in order to gain experience of the region and familiarity with key issues. It is important that the OSCE be fully deployed in the region and become operational as soon as possible in order to begin effective monitoring and contribute to the maintenance of local confidence.

VII. OBSERVATIONS

29. As I noted in my report of 4 December 1997 (S/1997/953), the efforts made by the Government of Croatia give hope that the conclusion of the mandate of UNTAES on 15 January 1998 will not jeopardize the results of two years of intensive international investment and effort in the region. In the period since my previous report, progress has continued to be made on a range of issues and the Government has, in particular, displayed commendable energy and commitment in the conduct of its comprehensive programme for national reconciliation.

30. President Tudjman, at the recent ceremony marking the end of the UNTAES mandate, reiterated his Government's intention to honour its commitments and has vowed not to allow extremist elements to undermine the achievements of UNTAES. A key factor for consolidating these achievements will be the continued demonstration, through practical steps, by Government authorities of their determination to protect the rights of all minorities, in accordance with accepted international standards. The revitalization of the economy and the creation of real and equal opportunities for all citizens of Croatia will also be essential. The support of the international community will be an important element to supplement the efforts of the Government of Croatia.

31. It is unfortunate, nevertheless, that several key issues have remained unresolved. Obligations in the areas of property related issues, tenancy rights, funding for the Joint Council of Municipalities and full implementation of the Amnesty Law have yet to be fulfilled. The lack of progress on these commitments could have serious implications and affect other areas as local confidence in Government pledges erodes. The Government of Croatia must address these issues with the same energy that it has shown in other areas since September 1997. Critical to sustaining progress will be the role of the international community and Croatia's key bilateral partners, which must remain actively engaged in assessing Croatian performance on these and other issues. I welcome the key role that will be played by the OSCE in this regard. The Security Council may wish to consider inviting the Chairman-in-Office of OSCE to keep the United Nations regularly informed of relevant developments in the mission area. For my part, I will instruct the Head of the United Nations

Liaison Office in Zagreb to maintain close contacts with the United Nations agencies in Croatia, in particular the Office of the United Nations High Commissioner for Refugees and the Office of the United Nations High Commissioner for Human Rights, as well as other international organizations, especially OSCE, with a view to keeping the Council periodically informed of the situation in the region.

32. Croatia's request for further United Nations police assistance demonstrates the political will to complete the process of peaceful reintegration and, in particular, that the Government accepts its responsibilities for non-discriminatory policing in the future.

33. In accordance with resolution 1145 (1997), the United Nations Civilian Police Support Group will work closely with the Government of Croatia to monitor police operations in the Danube region and to improve the professional qualities of the multi-ethnic police forces. This commitment and support from the international community will ensure that the region is policed effectively and impartially, thereby facilitating the vital process of two-way returns of displaced persons during 1998.

34. In closing, I wish to pay tribute to the men and women of UNTAES who have worked hard and have sometimes risked their lives to secure stability for the peoples of Eastern Slavonia. I wish to pay equal tribute to those who led them - to my Special Representatives Jacques P. Klein and Willian G. Walker and to Force Commanders Jozef Schoups and Willy Hanset.